

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

Christopher Smith,
Petitioner

v.

Case No. 1:10-cv-841

Warden, Lebanon Correctional
Institution,
Respondent

JUDGMENT

Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the Report and Recommendation is **ADOPTED**. Petitioner's objections to the Report and Recommendation are **OVERRULED**. Petitioner's petition for writ of habeas corpus is **DISMISSED** with prejudice. The Supplemental Report and Recommendation and petitioner's objections thereto are **MOOT**.

A certificate of appealability will not issue. The Court denies petitioner leave to appeal in forma pauperis.

Date: February 15, 2012

James Bonini, Clerk

By: s/Mary C. Brown
Mary C. Brown, Deputy Clerk